

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

UNITED STATES OF AMERICA,

:

Case No. 1:06-cr-102

Also Case No. 1:24-cv-00303

Plaintiff,

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

- vs -

DION HEATH,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATIONS

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (ECF No. 80), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that Defendant's Motion to Vacate under 28 U.S.C. § 2255 (ECF No. 78) be DISMISSED with prejudice. Defendant is DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would be objectively frivolous and therefore should not be permitted to proceed *in forma pauperis*.

Pursuant to Fed.R.Civ.P. 58, the Clerk shall enter judgment to this effect.

July 23, 2024.



Susan J. Dlott  
United States District Judge